

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

In re: ) In Proceedings under  
 ) Chapter 9  
VILLAGE OF WASHINGTON PARK, )  
 )  
Debtor. ) Case No. 09-31744

**ORDER**

This matter is before the Court pursuant to the motion to dismiss the Debtor's Chapter 9 case, which was filed by Eric Joelner, Fish, Inc., First Amendment, Inc. and Free Speech, Inc. (collectively, the "Movants") and an objection to that motion filed by the Debtor. The Court further directed the Debtor and Movants to submit authority to the Court concerning the Debtor's eligibility for relief under Chapter 9 of the Bankruptcy Code. After hearing the arguments of the parties and considering the parties' written submissions concerning the Debtor's eligibility for Chapter 9 relief, the Court finds and determines as follows:

1. The Debtor filed its voluntary Chapter 9 case on July 6, 2009.
2. The Debtor is a municipality within the contemplation of 65 ILCS 5/1-1-2(1).
3. Pursuant to 11 U.S.C. § 109(c), in order for a municipality to qualify for relief under Chapter 9 of the Bankruptcy Code it must, among other things, be "specifically authorized, in its capacity as a municipality or by name, to be a debtor under [Chapter 9] by State law, or by a governmental officer or

organization empowered by State law to authorize such [municipality] to be a debtor under Chapter 9 . . .” 11 U.S.C. § 109(c)(2).

4. The specific authorization required under § 109(c) must be “exact, plain, and direct with well-defined limits so that nothing is left to inference or speculation.” *In re Slocum Lake Drainage Dist. Of Lake County*, 336 B.R. 387 (Bankr. N.D. Ill. 2006), quoting *In re County of Orange*, 183 B.R. 594, 604 (Bankr. C.D. Cal. 1995). Furthermore, “[t]he Debtor has the burden of proof to establish that it is eligible to be a debtor under Chapter 9.” *In re Slocum Lake Drainage Dist. Of Lake County*, 336 B.R. at 390.

5. Illinois law provides no specific authorization for the Debtor to file a case under Chapter 9 of the Bankruptcy Code.

6. By reason of the foregoing, the Debtor is ineligible for relief under Chapter 9 of the Bankruptcy Code, and this case must be dismissed.

Therefore, IT IS ORDERED that this case under Chapter 9 of the United States Bankruptcy Code is DISMISSED.

Counsel for the moving party shall serve a copy of this Order by mail to all interested parties who were not served electronically.

ENTERED: December 23, 2010

/s/ Pamela Pepper  
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UNITED STATES BANKRUPTCY JUDGE